

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2358 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NARAYANBHAI B SHRIMALI

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR KR BRAHMBHATT for Petitioner

MR ND GOHIL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. Challenge is made by the petitioner to the order dated 2.3.87 of the respondent under which recognition of petitioner's institution, N.B.Technical Institute, Himmatnagar for two batches for women and children garment making for one batch men and women garment making and one batch for knitting and weaving for the year 1987-87 has been

cancelled.

2. This Court has not protected the petitioner by grant of any interim relief. It was a case of cancellation of recognition for the year 1986-87 and these matters are not res-judicata and it is always open to the petitioners to apply afresh. In case such application is made, the respondents shall consider the same in accordance with law. The learned counsel for the petitioner contended that the cancellation of recognition of petitioner's institution for irregularities and defects is wholly arbitrary and unjustified, but I do not consider it appropriate to go on this question in view of the fact that these matters are not res-judicata and are all the time open for fresh consideration. Apart from this, the petitioner has not made to know this Court whether for the next year the institution has been given any recognition or not. The recognition of the petitioner's institution has been cancelled for the year 1986-87 and as such, even if the contentions of the petitioner are accepted on merits and the order is set aside and the recognition of the institution is restored for the year 1986-87, it will be only a futile exercise without there being any positive relief to the petitioner.

3. In view of this fact, interest of justice will be met in case this writ petition is disposed of in terms that it shall be open to the petitioner to apply afresh for recognition of the institution and in case such application is made, the respondents shall consider the same objectively and ignoring the contents of the impugned order and inaccordance with law. Rule stands disposed of accordingly with no order as to costs.

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(sunil)